



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELIJAH IBM BEY,

Plaintiff,

- against -

P.O. JOHN NUGENT, et al.,

Defendants.  
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18-cv-7878 (PGG) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

On March 26, 2020, this Court issued an order providing Plaintiff with one last final extension to submit opposition, if any, to Defendant Nelligan's motion to dismiss. (Dkt. 37.) The Court indicated it would proceed to resolve the motion on the current record in the absence of opposing papers. However, based on a mailing returned to sender, as well as the moving brief's reference to Plaintiff having been sentenced, it appears from the docket that the Plaintiff's address may have changed some time in the last several months. Although it is incumbent upon a party to update their address on the Court's docket the Court orders as follows:

1. Defendants shall use reasonable efforts to determine if Plaintiff is incarcerated, and, if so, the address of the facility where he is located.
2. No later than May 25, 2020, Defendants shall file a letter with the Court indicating either (a) that Defendants have located Plaintiff and served him with this Order, the Court's March 26, 2020 Order, and all of Defendants' motion to dismiss filings; or (b) despite having made reasonable efforts, Defendants were unable to identify Plaintiff's updated address.

3. If Defendants are able to identify Plaintiff's updated address and therefore serve Plaintiff with the motion to dismiss papers, Plaintiff shall have until June 25, 2020 to file any opposition. Absent any opposition, the Court will proceed to resolve the motion on the record as it is. Additionally, Plaintiff must update the Court any time Plaintiff's address changes.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: May 18, 2020  
New York, New York